

CHAPTER NO. 685

SENATE BILL NO. 2371

By Crutchfield, Fowler

Substituted for: House Bill No. 3113

By Brown

AN ACT to amend Tennessee Code Annotated, Section 40-1-111, relative to judicial commissioners.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-1-111, is amended by adding the following language as a new subsection (e):

(e)(1) Notwithstanding the provisions of subsection (a) through (d), any county having a population of not less than three hundred seven thousand (307,000) nor more than three hundred eight thousand (308,000), according to the 2000 federal census or any subsequent federal census, may elect to establish judicial commissioners to assist the general sessions court in accordance with the subsection. The county legislative body may appoint one (1) or more attorneys to serve as judicial commissioners. The duties of a judicial commissioner shall include, but not be limited to the following:

(i) Issuance of arrest and search warrants upon a finding of probable cause in accordance with the procedures outlined in Chapters 5 and 6 of this title;

(ii) Issuance of mittimus following compliance with the procedures prescribed by § 40-5-103;

(iii) Appointing attorneys for indigent defendants in accordance with applicable law and guidelines established by the presiding general sessions judge of the county;

(iv) Setting and approving bonds and the release on recognizance of defendants in accordance with Chapter 11 of this title; and

(v) Setting bond for the circuit court judges and chancellors in cases involving violations of orders of protection between the hours of nine o'clock p.m. (9:00 p.m.) and seven o'clock a.m. (7:00 a.m.) on weekdays, weekends and holidays and at any other time when the judge or chancellor is unavailable to set such bond.


(2) The term of office for a judicial commissioner shall be established by the county legislative body, but such term shall not exceed four (4) years. A member of the county legislative body is not eligible for appointment as a judicial commissioner.

(3) A judicial commissioner shall be compensated from the general fund of the county in an amount to be determined by the county legislative body. Fees established and authorized by § 8-21-401 shall be paid to the county general fund upon the services detailed therein being performed by a judicial commissioner.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 10, 2004


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 18th day of May 2004


PHIL BREDESEN, GOVERNOR